

AGENDA ITEM SUMMARY

December 2, 2014

City Council

STAFF

Wanda Nelson, City Clerk

SUBJECT

First Reading of Ordinance No. 173, 2014, Amending Various Provisions in Chapter 7 of the Code of the City of Fort Collins Relating to Elections.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code provisions relating to the registration of municipal electors, the conduct of mail ballot elections, and the filing of campaign finance reports.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In 2013, the Governor signed House Bill 13-1303, which was intended to remove barriers to participation in the electoral process by making both voting and voter registration more convenient and accessible, in part by allowing voter registration to take place up to and including election day. HB13-1303 also eliminated the voter status "Inactive-failed to vote" and directed the Secretary of State to mark those voters as "Active".

In 2014, House Bill 14-1164 was signed by the Governor amending, in part, the Colorado Municipal Election Code of 1965 to reflect the same changes to voter registration that were made to the Uniform Election Code by HB 13-1303. In addition, HB 14-1164 enacted mail ballot provisions for municipalities, similar to those enacted in the Uniform Election Code.

This Ordinance amends election provisions in the City Code to conform to current voter registration provisions contained in the state statute, as well as to align certain mail ballot provisions to those recently enacted by the Colorado legislature and approved by the Governor.

In addition, this Ordinance includes an amendment to disclosure requirements for campaign finance reports. With adoption of this Ordinance, candidate committees, issues committees, and political committees will be able to file campaign finance reports electronically. Currently, all reports must be filed in paper form with original signatures.

FINANCIAL / ECONOMIC IMPACTS

The change in how registered voters are classified will increase the number of voters who automatically receive a ballot in the mail. This will result in an increase in costs for ballot materials and postage. However, these increases pale in comparison to the anticipated increase in voter participation these changes were designed to effect.

ORDINANCE NO. 173, 2014
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS PROVISIONS IN CHAPTER 7 OF THE
CODE OF THE CITY OF FORT COLLINS RELATING TO ELECTIONS

WHEREAS, the City of Fort Collins is a Colorado home rule municipality and, as such, is authorized under Article XX, Section 6 of the Colorado Constitution to exercise certain specific powers, including the power to legislate upon, provide, regulate, coordinate and control all matters pertaining to municipal elections; and

WHEREAS, on November 7, 2006, the City Council adopted Ordinance No. 165, 2006, establishing Chapter 7, Article VII of the City Code, its own provisions for conducting local mail ballot elections; and

WHEREAS, currently, the City's conducts registration of municipal electors in accordance with the provisions of the Colorado Municipal Election Code; and

WHEREAS, with House Bill 13-1303, the Colorado legislature passed legislation intended to remove barriers to participation in the electoral process by making both voting and voter registration more convenient and accessible, by allowing voter registration to take place through election day and by eliminating the voter status "inactive-failed to vote," and further directing the Secretary to mark those voters as "active;" and

WHEREAS, in 2014, the Colorado legislature also passed legislation that, among other things, amended the Colorado Municipal Election Code to reflect the same changes to voter registration that were made to the Uniform Election Code pursuant to HB 13-1303 and enacted changes to mail ballot provisions for municipalities similar to those addressed in the Uniform Election Code; and

WHEREAS, City staff has recommended that the Council correct the definition of "absentee ballot" so as to clarify that an absentee ballot should be mailed to an eligible elector at an address or location other than the residential or mailing address of the elector;

WHEREAS, City staff has further recommended that the Council amend provisions of the City Code related to registration of municipal electors, mailing of ballots, on-site polling place, replacement ballots and absentee voting so as to align with recent changes made by the Colorado legislature to the Uniform Election Code and the Municipal Election Code; and

WHEREAS, amendments to the disclosure requirements that allow reports to be filed electronically by candidate committees, issue committees, and political committees are beneficial because filing electronically will be more convenient than filing reports by paper as currently required; and

WHEREAS, the City Council believes that it would be in the best interests of the citizens of the City to amend Chapter 7 of the Code as described above.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 7-101 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-101. Registration of municipal electors.

(a) Registration of municipal electors shall be conducted in accordance with the provisions of the ~~Colorado Municipal Election Code, Section 31-10-201 et seq., C.R.S.~~ Any person registering to vote within the City shall indicate to the official who takes such person's registration that the person is a resident of the City. The County Clerk shall maintain the registration list in such manner that registered electors who are residents of the City can be separately identified from the other county registered electors. The registration list supplied by the County Clerk to the City Clerk for municipal elections shall indicate those electors who are registered as City electors. **Uniform Election Code of 1992, Section 1-2-201 et seq., C.R.S.**

(b) No person shall be entitled to vote in a City election who is not registered as an elector residing in the City, regardless of the fact that such person may be duly registered as an elector of the County.

~~(c) Any other provisions of the Colorado Municipal Election Code notwithstanding, qualified persons shall be permitted to register up to twenty nine (29) days before any municipal election for which registration is required.~~

Section 2. That the definition of “Absentee ballot” contained in Section 7-181 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-181. Definitions.

Absentee ballot shall mean a ballot transmitted to an eligible elector at an address or location other than the residential or mailing address of the elector as shown in the County's voter registration records.

Section 3. That Section 7-186(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-186. Mailing of ballots; exception.

(a) No sooner than ~~twenty five (25)~~ **twenty-two (22)** days before an election, and no later than fifteen (15) days before an election, the City Clerk shall mail to each active registered elector, ~~and to each inactive active registered elector with a status designation of "inactive failed to vote" who voted in at least one (1) of the past two (2) General Elections,~~ **at the last mailing address appearing in the registration records and in accordance with United States postal service regulations, a mail ballot packet marked**

~~"Do not forward. Address correction requested.", or other similar statement that is in accordance with United States postal service regulations. a mail ballot packet, which shall be marked "DO NOT FORWARD.", or with any other similar statement that is in accordance with United States postal service regulations. Said packet shall be sent in accordance with all applicable United States postal service regulations to the last mailing address appearing in the registration records of the County Clerk and Recorder.~~

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Section 4. That Section 7-187 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-187. On-site polling place.

No sooner than ~~twenty five (25)~~ **twenty-two (22)** days prior to election day and no later than 7:00 p.m. on election day, mail ballots shall be made available at the office of the City Clerk, or such other location as may be established by the City Clerk, for **each** eligible electors who ~~need to obtain a replacement~~ **requests a** ballot.

Section 5. That Section 7-188(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-188. Replacement ballots.

(a) An eligible elector may obtain a replacement ballot if:

(1) The ballot was destroyed, spoiled, lost or for some other reason not received by the eligible elector;

(2) A mail ballot packet was not sent to the elector because the eligibility of the elector could not be determined at the time the mail ballot packets were mailed; **or**

~~(3) The eligible elector was listed as "inactive" in the county's voter registration records; or~~

(4) The eligible elector presents any other credible evidence that he or she is entitled to receive a replacement ballot.

...

Section 6. That Section 7-189(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7-189. Absentee voting.

(a) Any eligible elector, or a family member related by blood, marriage, civil union, or adoption, may request that an absentee ballot be transmitted to a place other than the elector's address listed in the voter registration records. Requests for absentee ballots must be made in writing and shall include the elector's name, residence address, date of birth and address where the absentee ballot should be mailed.

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Section 7. That Section 7-136(f) of the Code of the City of Fort Collins is amended to read as follows:

Sec. 7-136. Disclosure; filing of reports.

...

(f) A report required to be filed by this Article is timely if the paper report is received by the City Clerk not later than the close of business on the due date due or if a copy of the report is filed electronically not later than midnight Mountain Standard Time on the date due, by fax on or before the date due and the original report is filed not later than the close of business on the next business day. For the purpose of this provision, the original report shall mean a copy containing an original signature of the person completing the report.

Introduced, considered favorably on first reading, and ordered published this 2nd day of December, A.D. 2014, and to be presented for final passage on the 16th day of December, A.D. 2014.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 16th day of December, A.D. 2014.

Mayor

ATTEST:

City Clerk